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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,924	11/21/2003	Marc M. Baum	1142-P0001	3349
36067 7590 04/11/2007 DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			EXAMINER KURTZ, BENJAMIN M	
			ART UNIT 1723	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/719,924

Applicant(s)

BAUM ET AL.

Examiner

Benjamin Kurtz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21 and 54-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 21, 54 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Putz et al. US 5 980 736.

Regarding claim 1, Putz teaches a wet and dry weather disinfection system comprising: a disinfecting chemical dispenser located proximate to a storm water management infrastructure, where the disinfection chemical dispenser is configured to add a disinfection chemical into water, a sensor (20, 21) configured to measure water characteristics of the water, a control unit that controls an amount of said disinfection chemical added to the water based on the characteristics, wherein the water disinfection system is locatable in-line at a storm drain collection location (fig. 1, col. 3, lines 19-32, col. 4, lines 14-25 and 55-60).

Regarding claims 54 and 56, Putz further teaches said sensor is located upstream of said disinfection chemical dispenser (fig. 1); and said storm drain collection location permits water to flow through (col. 3, lines 19-32).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 57, 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putz '736.

Regarding claim 57, Putz teaches a water disinfection system comprising: a disinfection chemical dispenser configured to add a disinfection chemical into water, a sensor (20, 21) configured to measure water characteristics, and a control unit configured to control an amount of said disinfection chemical added to the water based on the water characteristics (fig. 1, col. 3, lines 19-32, col. 4, lines 14-25 and 55-60). The language 'adapted to be removably located or connected' does not add any further structural limitation to the claim. Putz does not teach the system being portable. The fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results *In re Lindberg*, 93 USPQ 23 (1952).

Regarding claim 58, Putz further teaches said sensor is located inline of said disinfecting chemical dispenser (fig. 1).

Regarding claim 60, Putz teaches a method for upstream water disinfection, comprising the steps of: placing a disinfection chemical dispenser adjacent to a storm drain collection location, said dispenser configured to add a disinfection chemical into water flowing through said storm drain collection location, measuring water characteristics attributable to said water flowing through said storm drain collection location through one or more sensors (20, 21), determining an amount of disinfection

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chemical to add to said water flowing through said storm drain collection location based on said water characteristics by a controller connected to said disinfecting chemical dispenser, and adding said amount of disinfection chemical from said chemical dispenser to said water flowing through said storm drain (fig. 1, col. 3, lines 19-32, col. 4, lines 14-25 and 55-60). Putz does not teach the chemical dispenser being portable. The fact that a claimed device is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results *In re Lindberg*, 93 USPQ 23 (1952).

3. Claims 55 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putz '736 in view of O-Leary et al. US 4 659 459.

Regarding claim 55, Putz teaches the system of claim 21 but does not teach a downstream sensor. O'Leary teaches a water disinfection system having a disinfection chemical dispenser with a control unit comprising a downstream sensor (118) from the disinfection chemical dispenser that measures water characteristics (fig. 1, col. 8, lines 15-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a downstream sensor as taught by O'Leary because the downstream sensor relay information to the control unit to better regulate the amount of chemical added to the system (col. 2, lines 45-61).

Regarding claim 59, Putz teaches the system of claim 57 but does not teach a mixing chamber sensor. O'Leary teaches a water disinfection system having a disinfection chemical dispenser with a control unit comprising a mixing chamber sensor (118) that measures water characteristics (fig. 1, col. 8, lines 15-20). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to use a downstream sensor as taught by O'Leary because the downstream sensor relay information to the control unit to better regulate the amount of chemical added to the system (col. 2, lines 45-61).

Response to Arguments

4. Applicant's argument with respect to the claim of domestic priority has been considered and the previous objection is withdrawn.
5. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kurtz
Patent Examiner 1723
4/10/07


Krishnan Menon
Primary Examiner